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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/786,308	03/02/2001	Gunter Richter	KO-38PCT	8420

7590 09/30/2003
Friedrich Kueffner
317 Madison Avenue
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New York, NY 10017

EXAMINER

DAVIS, ROBERT B

ART UNIT	PAPER NUMBER
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1722

DATE MAILED: 09/30/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/786,308

Applicant(s)

RICHTER, GUNTER

Examiner

Robert B. Davis

Art Unit

1722

-- Th MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 June 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 14-32 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 19-32 is/are allowed.
- 6) ☒ Claim(s) 14,16 and 17 is/are rejected.
- 7) ☒ Claim(s) 15 and 18 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 14, 16 and 17 are rejected under 35 U.S.C. 102(b) as being anticipated by Dickinson (5,238,390: figures 1-2E, column 1, lines 38-43 and 55-62, column 2, lines 3-29 and 55-64, column 3, lines 34-47, column 4, lines 21-39, column 5, lines 39-52, and column 6, lines 22-28).

Dickinson teaches a method of forming a container having a large-sized opening comprising: extruding a tubular parison (22) from an extruder head (20), initially widening the bottom of the parison by moving rod-shaped spreaders (46a', 46a", 46b', 46b") as shown in figure 2C, and then moving a core (52) from below into the widened parison wherein the core (52) forms the opening of the container (column 2, lines 3-8, the blow pin assembly clearly acts as a core as it defines the opening of the final container), clamping opposed molds (24a, 24b) against the parison held by the core, and then blowing air into the parison to form a blow molded container.

Response to Arguments

3. Applicant's arguments with respect to claims 14, 16 and 17 have been considered but are moot in view of the new ground(s) of rejection.

Allowable Subject Matter

4. Claims 19-32 are allowed over the prior art of record.

Art Unit: 1722

5. Claims 15 and 18 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

6. The following is a statement of reasons for the indication of allowable subject matter: In regards to claim 15, none of the prior art of record teaches a method according to claim 14, wherein the container is shaped by means of vacuum on the core. Dickinson clearly teaches blowing of the parison.

In regards to claim 18, none of the prior art teaches or suggests a method according to claim 14, wherein the core further widens the parison. Dickinson discloses widening of the parison such that the stretched parison is draped over the core. In regards to claims 19 and 26, none of the prior art of record teaches or suggests an apparatus according to claims 19 and 26 wherein the core comprises at least one two-part clamping element. Dickinson discloses four spreaders, but the core is merely a plate and nothing suggests modifying the core into a two-part clamping element as claimed.

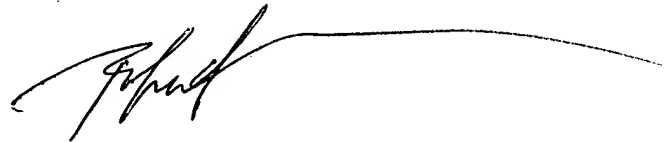
7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The remaining references show various stretching and molding of open-mouthed articles. Sadr et al (5,318,740) discloses an apparatus similar to Dickinson wherein an automotive boot is formed by spreading a tubular parison (52) by means of a spreader (43) and then inserting a core (44) wherein the bottom end of the stretched parison is clamped between the molds (2, 3) and the core as shown in figure 6.

Art Unit: 1722

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert B. Davis whose telephone number is 703-308-2625. The examiner can normally be reached on Monday-Friday 9-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wanda L. Walker can be reached on 703-308-0457. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0661.



Robert B. Davis
Primary Examiner
Art Unit 1722

9/22/03